GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Water Resources Department- Pending cases – Suit in O.S. No. 36/2012 filed by one Mygapula Durga Prasad against the Government on the file of the Additional District Judge, W.G. District. Kovvur – Appeal matter to High Court – Arranging of decree amount – Permission- Accorded - Orders - Issued.

WATER RESOURCES (PROJ.I.A2) DEPARTMENT

G.O.MS.No. 66 **Dated: 27-06-2018**
Read the following:-

From the ENC (Irrigation), Vijayawada, Letter No: ENC(I)/DCE(DW) /OT5/AEE.22/Court cases-15, Dated: 18.01.2018 and 18-05-2018.

ORDER:

In the reference read above, the Engineer-in-Chief, Irrigation, Vijayawada has submitted that tenders were invited to the following two works through e-procurement by the Superintending Engineer, Irrigation Circle, Eluru, for two reaches i.e., from Km.8.00 to Km.12.00 and From Km.12.00 to Km.16.70 for an amount of Rs.40.55 Lakhs and Rs.36.70 respectively.

1. Improvements to Kovvada Calva from Km.8.00 to Km.12.00 in West Godavari District under Disaster Management programme.
2. Improvements to Kovvada calva from Km.12.00 to Km.16.70 in West Godavari District under Disaster Management programme.

2. The works were awarded to Sri M.Durga Prasad, Pattisam and concluded agreements on 07.07.2008 vide 45/2008-09 and 46/2008-09 for an amount of Rs.32.18 Lakhs and 26.66 Lakhs respectively as the tendered percentage is less by 15% and 22% respectively. Based on acceptance of tenders by the Superintending Engineer, Irrigation Circle, Eluru the works were taken by the contractor in the presence of Deputy Superintending Engineer, Irrigation circle, Eluru on 16.06.2008 and stopped on 22.07.2008.

3. Due to non finalization of bills, the contractor approached AP High court and filed W.P.No.12947/2009 dated 01.07.2009 to direct the respondents to pay the final bills together with an interest of 12% per annum from 01.09.2008 onwards. The Government Pleader submitted to Hon'ble High Court that the respondents will make payment to the petitioner within a period of 3 months from 17.07.2009 onwards. The submission of the learned Government Pleader for I & CAD is placed on record and the writ petition is accordingly disposed off.

4. Further, the contractor proceeded to High Court and filed contempt of court vide C.C.No.1796/2009 in WP.No/12947/2009 for delay in arranging payment. The contractor also proceeded to Principal District Court, West Godavari, Eluru and filed on behalf of plaintiff as EP.No.1/2016 with a request to attach the movable assets and the notice was issued on 21.01.2016. The Government have sanctioned the amount of Rs.55.00 Lakhs vide G.O.Ms.No.97 Water Resources (Proj.I.A2) Department Dated 12.09.2016. Subsequently the amount was paid to the Sri M.Durga Prasad, Contractor through Hon'ble Court.

5. Now, the plaintiff Sri Mygapula Durga Prasad has processed the attachment for immovable property i.e., the Circle office building in Eluru West Godavari District about 1500 Sq.Yards in EP.No.01/2016 in O.S.No.36/2012 in the court of Hon'ble Principal District Judge, West Godavari, Eluru. To avoid attachment of the immovable property of the Department, it is inevitable to pay the amount of Rs.69.00 Lakhs. The Engineer-in-Chief, Irrigation has, therefore, requested that necessary sanction orders of the Government may be obtained and communicated for an amount of Rs.69.00 Lakhs towards payment of remaining amount to the plaintiff Sri Mygapula Durga Prasad under the head of account "4711-01-103 Civil works -11-SH (05)-530-531 O.E (charged).

P.T.O.

6. Government after careful examination hereby accord sanction for an amount of Rs.69.00 Lakhs (Rupees sixty nine lakhs only) towards payment of remaining amount to the plaintiff Sri Mygapula Durga Prasad subject to incurring the expenditure from the contingency fund as per procedure as this is a decretal amount and also subject to ensuring the correctness of the amount proposed as per Court Orders.

7. The Engineer-in-Chief, Irrigation shall take necessary action in the matter accordingly.

8. This order issues with the concurrence of Finance (FMU-WR II) Department vide their U.O.No. 48022/271/FMU.WR.II/2016, dt.11-04-2018.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SHASHI BHUSHAN KUMAR
SECRETARY TO GOVERNMENT

To
The Engineer-in-Chief, Irrigation, Vijayawada
Copy To:
The Accountant General, A.P, Hyderabad
The Pay & Accounts Office, A.P, Ibrahimpatnam, Vijayawada
The Director of Works & Accounts, Vijayawada
Finance (FMU-WR II) Department
The P.S to Minister (WRD)
The P.S to Secretary (WRD)
SF/SC

//FORWARDED::BY ORDER//

SECTION OFFICER